IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7133 OF 2003

Mr.G.S. Godbole for the Petitioner.

Mr.D.S. Mhaisapurkar for the Respondent.

| Office Notes, Office Memoranda of Coram, appearances, Court's order or directions | Court's or Judge's orders |
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| | **CORAM: D.K.DESHMUKH, J.**<br>**DATED:** 8TH JUNE,2005 |

P.C.:

By consent of parties, the order impugned is set aside. During the pendency of this petition, the parties had filed interim consent minutes of order in this Writ Petition, which were taken on record. According to the Petitioner, he has carried out repairs as per the consent minutes of order. This position is disputed by the Respondent. However, it is common ground that if the Petitioner

had carried out repairs as per the consent minutes of order, then the order that is impugned in the petition can be treated as complied with. But as there is a dispute between the parties whether the repairs are carried out or not, in my opinion, following order would meet the ends of justice.

O R D E R

(a) The parties shall appear before the executing court on 11th July, 2005, with a copy of this order as also a copy of the interim consent minutes of order.

(b) The executing court shall, thereafter, hold an inquiry to find out whether the Petitioner has carried out repairs in accordance with interim consent minutes of order or not.

(c) The executing court shall grant an opportunity of being heard to the Respondent. In case the executing court finds that the Petitioner has carried out the repairs as per the

interim consent minutes of order, the executing court shall dispose of the execution application, otherwise the executing court shall make appropriate orders.

Petition disposed of.

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